

## UNITED STATES DISTRICT COURT

for the

Western      District of North Carolina

United States of America

v.

James Powell

Date of Original Judgment: 06/04/2013  
Date of Previous Amended Judgment: 08/30/2013  
(Use Date of Last Amended Judgment if Any)

)  
Case No: 0419 3:11CR00403-002  
)  
USM No: 27281-058  
)  
Joshua Carpenter  
*Defendant's Attorney*

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed **aggregate** sentence of imprisonment (as reflected in the last judgment issued) of 162 months **is reduced to** time-served plus 10 days.

*(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)*

Except as otherwise provided, all provisions of the judgment dated June 24, 2013 as amended August 30, 2013, shall remain in effect.

**IT IS SO ORDERED.**

Signed: December 6, 2023

  
Frank D. Whitney  
United States District Judge

Effective Date: 02/01/2024  
(if different from order date)

**This page contains information that should not be filed in court unless under seal.**  
*(Not for Public Disclosure)*

DEFENDANT: James Powell

CASE NUMBER: 0419 3:11CR00403

DISTRICT: Western District of North Carolina

**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**

Previous Total Offense Level: 21

Amended Total Offense Level: 21

Criminal History Category: V

Criminal History Category: IV

Previous Guideline Range: 154 to 171 months Amended Guideline Range: 141 to 155 months

**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- The reduced sentence is above the amended guideline range.
- Other (explain): The aggregate sentence includes an 84-month consecutive sentence to which the defendant was sentenced in Count 3.

**III. FACTORS CONSIDERED UNDER USSG § 1B1.10 AND 18 U.S.C. § 3553(a) (See *Chavez-Meza v. United States, 138 S.Ct. 1959 (2018)*)**